

Amendment No. 2 to HB4144

Armstrong
Signature of Sponsor

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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 4181

House Bill No. 4144*

by deleting Section 26 of the amendment in its entirety and by substituting the following:

SECTION 26. Tennessee Code Annotated, Title 71, Chapter 5, is amended by adding the following as a new part:

71-5-__01.

(a) In order to improve planning for facilities and programs, to create a better environment for management, and to ensure implementation of proposed improvements in the long term care services system, there is hereby created the select oversight committee on long term care, hereafter referred to as “the committee.”

(b) The committee shall be composed of ten (10) members, with five (5) members to be appointed by the speaker of the senate and five (5) members to be appointed by the speaker of the house of representatives.

71-5-__02.

(a) The committee shall elect from its membership a chair, a vice chair, and such other officers as it considers necessary.

(b) The committee may also:

(1) Create subcommittees related to its purposes;

(2) Request that standing committees of the general assembly, the fiscal review committee, or other agencies study certain aspects of the long term care services system and report to the committee;

(3) Conduct hearings;

(4) Employ staff, subject to the availability of funds;

(5) Enter contracts for technical or professional services, subject to the availability of funds; the speaker of the senate and the speaker of the house shall jointly determine the qualifications and task or job descriptions of any consultant or other person contracted for services, and shall jointly select any such consultant or other person on behalf of the committee; and

(6) Perform such other duties as are required.

71-5-__03.

(a) The committee shall meet at least quarterly and at the call of the chair.

The first meeting of the committee shall be convened by the speaker of the house.

(b) Members of the committee are entitled to be reimbursed for their expenses in attending meetings of the committee or any subcommittees thereof at the same rates and in the same manner as when attending the general assembly.

71-5-__04. The committee shall report on its activities to each member of the general assembly.

71-5-__05.

(a) It is the intent of this part that plans be made carefully and be reviewed thoroughly to help ensure that new programs will achieve their intended purposes, and to help ensure that the general assembly and the public can have confidence that the state will deliver a long term care services system with a home and community based services component which is effective and efficient.

(b) To these ends, the committee shall review proposed expenditures and program proposals for long term care and shall make its comments on proposed expenditures and program activities in a timely fashion according to the following:

(1) Any proposed expenditure of funds to implement new programs or expand existing programs, and any administrative or management changes requiring additional expenditures, shall be filed in

writing by the commissioner of finance and administration with the committee and may be reviewed by the committee. After any such review, the committee may comment to the commissioner of finance and administration on the proposed expenditures; provided, that any such comment shall be made within thirty (30) days after receipt by the committee of the proposal for such expenditures. If such expenditures are made before the committee has made its comments, if any, or if expenditures are made which are inconsistent with the comments of the committee, the commissioner of finance and administration shall explain in writing the reasons for making such expenditures to the committee and each other member of the general assembly.

(2)

(A) Subject to subdivision (B), any proposed federal waivers or waiver amendments and any contracts and amendments involving risk based contractors or managed care organizations shall be filed in writing by the commissioner of finance and administration with the committee at the least thirty (30) days before it is filed or submitted to the federal government or entered into with a contractor. The committee has the authority to review such plans and proposals and, after such review, the committee may comment to the commissioner of finance and administration and the commissioner is encouraged to consider the committee's comments, if any, in making its decisions.

(B) Before the commissioner of finance and administration may submit a request for a new waiver, an amendment to the waiver or a renewal of the waiver for the TennCare program to the United States department of health and human services, the commissioner shall transmit such proposed waiver, renewal or amendment to the committee in writing for comment at least thirty

(30) days prior to submission of the waiver to the department of health and human services. No such waiver, amendment or renewal request may be submitted or take effect unless the committee has been afforded the opportunity to comment. Since such waiver, amendment or renewal requests are legally enforceable when they take effect, the committee shall review such waivers, amendments or renewal requests in the same manner as proposed legislation, subject to the thirty-day period required by this subsection.

(3) Any proposed rules for implementing any provision of this act, except for emergency or public necessity rules, shall be filed in writing by the commissioner of finance and administration with the committee at the least thirty (30) days before it is filed or goes into effect. No such rules may be submitted to the secretary of state or take effect unless the committee has been afforded the opportunity to comment. The committee has the authority to review such rules and, after such review, the committee may comment to the commissioner of finance and administration and the commissioner is encouraged to consider the committee's comments, if any, in making its decisions. This rule review is separate from any rule review pursuant to title 4, chapter 5.

71-5-__06. The committee shall receive information and assistance from the department of finance and administration, the department of health, the commission on aging and disabilities, the department of human services and other agencies of state government, as necessary.

71-5-__07.

(a) When a bill is introduced in the general assembly that will impact or potentially impact upon any area within the scope of review of the committee, committee staff, at the direction of the chair, shall identify such bill for review.

For purposes of participating in the discussions and comments of the committee,

the chair or the chair's designee of the appropriate standing committee shall be notified of the date, time, and location where the committee will meet to review legislation and such chair or the chair's designee shall become an ex officio member of the committee when such legislation is considered by the committee.

(b) In order to efficiently execute the duties set out in this part, the committee shall review all bills identified pursuant to subsection (a), and may attach committee comments to such bill prior to its consideration by the appropriate standing committee. The sole purpose of review by the committee is to assist the standing committee in its consideration of long term care legislation by providing appropriate background information on the bill or information concerning the impact of the bill on the long term care system. The committee shall make no recommendation concerning the passage of a bill it reviews nor shall it have the authority to prevent the consideration of the bill by the standing committee to which it is referred. The committee's review of all bills identified pursuant to subsection (a) shall be completed and the notification required in subsection (c) returned to the chair of the appropriate standing committee no later than four (4) weeks after a bill covered by the provisions of this section has first been introduced.

(c) Upon completion of the review process within the time limitation established in subsection (b), the chair of the committee shall send written notification to the chair of the appropriate standing committee indicating that the review process has occurred and that the bill is ready for consideration by the standing committee. If the committee has prepared committee comments on a bill, such comments shall be attached to the notification to the chair. If the committee has reviewed a bill but has no committee comments, that shall be indicated in the notification to the chair. If a bill is referred to the committee for review but has not been reviewed within the time period set out in subsection (b), the chair shall notify the appropriate chair that the bill has not been reviewed but is ready for consideration by the standing committee.

71-5-__08.

(a) For the purposes of this part, “managed care organization” and “MCO” mean any health maintenance organization, behavioral health organization, any entity regulated pursuant to title 56, chapter 32, and contractors of such entities.

(b) The committee shall review regularly the following long term care services-related programs, functions and activities of the department of health, the commission on aging and disabilities, the department of human services and the TennCare program:

(1) Eligibility and enrollment standards, including determinations of how long term services recipients are assigned to MCOs, or other matters related to eligibility and assignment of TennCare enrollees and participants in the Options program established by part 14;

(2) Provisions of services, facilities or programs by TennCare and Options providers, including benefit packages or other related matters;

(3) Education programs for TennCare and Options enrollees, MCOs and providers, including eligibility, access to providers and MCOs, benefit package offered, deductibles and co-payments required or other related matters;

(4) Review and evaluation of performance of MCOs, including their compliance with contracts entered into with the state, review of MCO contracts entered into with any long term care services provider or other related matters;

(5) Compliance by the appropriate agencies with provisions of applicable federal waivers, including review of proposed amendments to the waiver for system changes, and evaluations or reports prepared for or by the federal government, or other related matters;

(6) Staffing within the department, including recruitment, selection, training, compensation, discipline or other matters;

(7) Management, including planning, budgeting, information systems, organizational structure, rules and regulations, department policies and procedures or other related matters; and

(8) Any other matters considered material.

71-5-__09. The committee created by this part will terminate at the adjournment of the regular session of the general assembly convened in 2013. The general assembly may continue the committee for five (5) years by appropriate action during such regular session.

71-5-__10. Notwithstanding any provision of Title 3, chapter 15, part 5, the select committee on TennCare shall no longer have authority for oversight of long term care in the TennCare program and all such oversight authority shall be vested in the select oversight committee on long term care.